

REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend claims 2, 12, 15, 18, 26, 31, 33-35, 38, 48, and 52. The Applicants cancel claims 21 and 51. Applicants do not add any new claims. Accordingly, claims 1-53 are pending in the application.

I. Claims Rejected Under 35 U.S.C. § 112, first paragraph

Claims 1, 2, 7, 8, 24, 30, 34, 36 and 38, 43 and 44 stand rejected under 35 U.S.C. § 112, as failing to comply with the written description requirement. The Examiner states that these claims contain subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors at the time the application was filed had possession of the claimed invention.

In regard to claims 1 and 37, the Examiner has objected to the elements of "executing the operation idempotently with a network resource process." Applicants draw the Examiner's attention to paragraph 47 of the application which describes the idempotent relationship between a CLI operation and network resource processes. Thus, Applicants believe that the claimed elements are supported by the specification in sufficient detail to convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

In regard to claims 2 and 38, the Examiner objects to the language "moving the record into an atomic database." Applicants have amended this language to state "moving the record into a database atomically." Applicants draw the Examiner's attention to paragraph 27 of the specification which states in reference to the reading and writing of records in the database that "This operation can be done atomically." Thus, one of ordinary skill in the art would understand that the inventors had possession of the invention at the time the application was filed.

In regard to claims 7, 24, 34 and 43, these claims include elements similar to those of claims 2 and 38, specifically, elements related to an atomic transaction. Applicants believe that paragraph 27 currently provides support for each of these claims by describing the use of atomic operations in relation to usage of a database including reading and writing to that database.

In regard to claims 8, 24, 30 and 44, these claims include similar elements to those of claims 1 and 37. Specifically, these claims relate to idempotent operations. Applicants believe that paragraph 47 as discussed above in regard to claims 1 and 37 provides sufficient support to convey to one skilled in the art that at the time the application was filed, the Applicants had possession of the claimed invention. This paragraph describes the idempotent relationship between CLI operations and backend processes in the form of network resource processes.

In regard to claim 36, the Examiner asserts that the language "second interface to receive a second plurality of operations from a second user" does not meet the written description requirement. Paragraph 21 of the specification clearly sets forth that "the RCM 101 receives transactions from a set of one or more command line interfaces (CLI) 103." Thus, Applicants believe that the specification clearly sets forth that the specification describes multiple interfaces through which a user may submit a plurality of operations. Numerous examples exist in the specification of using a CLI to input operations. See for example, paragraphs 31-33. Therefore, the Applicants believe that one of ordinary skill in the art would understand that the Applicants had possession of the claimed invention at the time the application was filed. Accordingly, reconsideration and withdrawal of the written description rejections of claims 1, 2, 7, 8, 24, 30, 34, 36-38, 43 and 44 are requested.

II. Claims Rejected Under 35 U.S.C. § 102

Claims 1-5, 7-10, 12-16, 18-21, 23-26, 29-41, 43, 46, 48-51 and 53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,115,715 issued to Traversat, et al. (hereinafter "Traverset"). Applicants respectfully disagree for the following reasons.

To anticipate a claim the Examiner must show that each element of the claim is taught by a single reference. In regard to claims 1 and 37, these claims include the elements of "executing the operation idempotently with a network resource process." The Examiner asserts on page 4 of the Office Action that Figure 5 at step 508 teaches "if the update is successful, the configuration database as a network resource process is updated." However, step 508 of Figure 5 is a step in a flow chart for a process that checks to determine if an attempt to perform an update is successful.

The Applicants have been unable to discern and the Examiner has not indicated any part of Figure 5 that indicates that a network resource process is involved in this check. Applicants have reviewed the description of step 508, at col. 9, lines 42-47 but have been unable to determine any section therein that teaches these elements of claims 1 and 37.

Further, the Examiner, relying on Figure 5 of Traversat and its description, argues that Traversat teaches "if an error occurs, the transactions are executed in order to return the configuration database to a consistent state indicates the step of executing the operation idempotently with a network resource process." However, executing a set of transactions to return a configuration database to a consistent state does not describe executing operations *idempotently* with a network resource process. The Examiner has not indicated and Applicants have been unable to discern any aspect of this process of restoring a configuration database that is idempotent. Thus, the Examiner has failed to establish that Traversat teaches each of the elements of claims 1 and 37. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1 and 37 are requested.

In regard to claims 2-5 and 38-41, these claims depend from independent claims 1 and 37 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 1 and 37, these claims are not anticipated by Traversat. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 2-5 and 38-41 are requested.

In regard to claims 7 and 43, these claims include the elements of "performing a sequence of operations as an atomic transaction." The Examiner again argues that the Figure 5 and the related description of Figure 5 teaches these elements of claims 7 and 43. Specifically, the Examiner argues that "the queue is executed, and if the transaction in the queue is aborted, the abort phase is provided to ensure the return of the configuration database to its state prior to initiation of the operation, in different words, this indicates a step of performing the sequence of operations as an atomic transaction." However, this argument is simply a non sequiter. Providing an abort operation which returns a configuration database to a prior state of operation does not describe performing a sequence of operations as an atomic transaction. Specifically, nothing in

this argument supports a position that an atomic transaction is taught. Thus, the Examiner failed to establish that Traversat teaches each of the elements of claim 7 and 43. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 7 and 43 are requested.

Claims 8-10 and 44-46 depend from independent claims 7 and 43 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 7 and 43, these claims are not anticipated by Traversat. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 8-10 and 44-46 are requested.

In regard to independent claim 12, this claim includes the elements of "storing an operation in a database atomically." The Examiner has not indicated and Applicants have been unable to discern any part of the cited sections of Traversat that teach or suggest storing operations in a database atomically. Thus, the Examiner has failed to establish that Traversat teaches each of the elements of claim 12. Accordingly, reconsideration and withdrawal of the anticipation rejection of claim 12 are requested.

Claims 13-16 depend from independent claim 12 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 12, these claims are not anticipated by Traversat. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 13-16 are requested.

In regard to claims 18 and 48, these claims include the elements of "wherein the operation is received from a first user and second operation is received from a second user." The Examiner asserts that these elements are taught by Figure 8 of Traversat. Applicants have reviewed Figure 8 of Traversat and reviewed the corresponding description at col. 10, lines 61 through col. 11, lines 42 but have been unable to discern any part therein that teaches these elements of claims 18 and 48. Thus, the Examiner has not established that Traversat teaches each of the elements of claims 18 and 48. Accordingly, reconsideration and withdrawal of the anticipation rejection of these claims are requested.

In regard to claims 19, 20 and 23, these claims depend from independent claims 18 and 48 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to

independent claims 18 and 48, these claims are not anticipated by Traversat. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 19, 20, and 23 are requested.

In regard to claim 24, this claim includes elements similar to those of claims 1 and 7, including "storing a first and second operation as an atomic transaction" and "performing the first and second operation idempotently with a set of network resource processes." The Examiner advances the same arguments for claim 24 as used to reject independent claims 1 and 7. Specifically, the Examiner presents the argument that Traversat teaches aborting transactions and returning a configuration database to a consistent state. As set forth above, this is not equivalent to performing an idempotent operation. Further, the Examiner argues that placing aborted transactions in a queue, and a database from which activity data can be stored in a chronological manner is equivalent to storing a first and second operation as an atomic transaction. The Examiner has not indicated and Applicants are unable to discern how this teaches an atomic transaction. Thus, the Examiner has failed to establish that Traversat teaches each of the elements of claim 24. Accordingly, reconsideration and withdrawal of the anticipation rejection of claim 24 are requested.

Claims 25 and 26 depend from independent claim 24 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claim 24, these claims are not anticipated by Traversat. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 25 and 26 are requested.

In regard to claim 29, this claim includes many similar elements to independent claim 7 including "a processor to execute a set of atomic transactions." The Examiner asserts the same arguments in rejecting claim 29 as asserted for independent claim 7, namely that Traversat teaches placing aborted transactions in a queue and a database from which activity can be stored in a chronological manner. As set forth above, Applicants have been unable to discern how this teaches an atomic transaction. Thus, the Examiner has failed to establish that Traversat teaches each of the elements of claim 29. Accordingly, reconsideration and withdrawal of the anticipation rejection of claim 29 are requested.

In regard to claims 30-32, these claims depend from independent claim 29 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 29, these claims are not anticipated by Traversat. Accordingly, reconsideration and withdrawal of the anticipation rejection are requested.

In regard to claim 33, this claim includes the elements of a database to "store the plurality of operations as an atomic transaction." Thus, claim 33 includes elements similar to those of claim 7 including a database to store a plurality of operations as an atomic transaction. Applicants have reviewed the cited sections of Traversat and have been unable to discern any part therein and the Examiner has not indicated any part therein that teaches the use of an atomic transaction. Thus, the Examiner has failed to establish that Traversat teaches each of the elements of claim 33. Accordingly, reconsideration and withdrawal of the anticipation rejection of claim 33 are requested.

In regard to claims 34-36, these claims depend from independent claim 33 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 33, these claims are not anticipated by Traversat. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 34-36 are requested.

III. Claims Rejected Under 35 U.S.C. § 103

Claims 6, 11, 7, 22, 27, 28, 42, 47 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Traversat. Applicants respectfully disagree for the following reasons.

To establish a *prima facie* case of obviousness, the Examiner must show that the cited reference teaches or suggests each of the elements of the claims. Each of these claims include some similar elements such as "the operation is received from a first user concurrently with a second operation received from a second user." See claim 6. The Examiner has not indicated and Applicants have been unable to discern any part of Traversat that teaches a system that is able to interact with multiple users concurrently. Rather, the Examiner argues that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Traversat to provide this functionality. However, the Examiner has failed to provide any motivation in support of this modification of Traversat. See MPEP § 2143.01 titled Suggestion or Motivation to

Modify the References, specifically the subsection "THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE CLAIMED INVENTION." Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 6, 11, 17, 22, 27, 28, 42, 47 and 52 are requested.

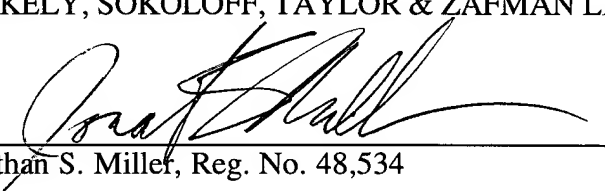
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-20, 22-50, 52 and 53 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/25, 2004


Jonathan S. Miller, Reg. No. 48,534

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 25, 2004.


Lillian E. Rodriguez

June 25, 2004 6-25-04